

Exhibit A

From: [David J. Stanoch](#)
To: [Christopher Geddis](#)
Subject: FW: Valsartan MDL - Availability for Rule 34 Requests
Date: Tuesday, October 27, 2020 5:51:44 PM
Attachments: [image003.png](#)

David J. Stanoch
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(504) 524-5777
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From: Goldberg, Seth A. <SAGoldberg@duanemorris.com>
Sent: Saturday, October 24, 2020 12:12 PM
To: David J. Stanoch <d.stanoch@kanner-law.com>; Conlee Whiteley <c.whiteley@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>
Cc: OstfeldG@gtlaw.com; 'Davis, D'Lesli M.' <dlesli.davis@nortonrosefulbright.com>; 'Richer, Kristen' <Kristen.Richer@btlaw.com>; Bazan, Rebecca <REBazan@duanemorris.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Stern, Justin M. L. <JMLStern@duanemorris.com>
Subject: RE: Valsartan MDL - Availability for Rule 34 Requests

Conlee:

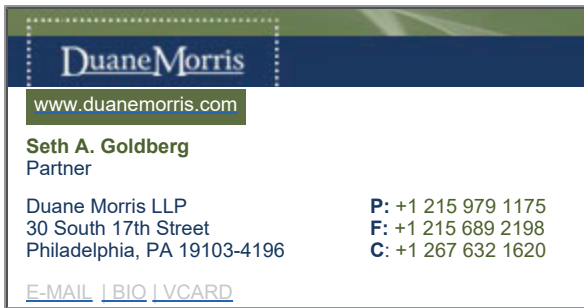
Thank you for the helpful call yesterday, and please extend our thanks to counsel for the TPPs. We are in the process of revising the Rule 34 requests to the TPPs based on the information we learned yesterday, and we hope to circulate those revised requests in the coming days. We are also looking forward to hearing back from counsel for MSP and MADA about the additional information they said they would check into, such as (1) concerning MSP, the series LLC operating agreement(s) for MSP Recovery Claims Series LLC and its various designated series LLCs; and (2) concerning MADA, Amendments 2 and 3 to the Administrative Services Agreement between MADA and Anthem Health Plans of Maine, any additional TPA agreements, the entire MADA plan document and amendments, summary of plan description documents and schedules of benefits and formularies for each product/type of plan for the years of the relevant time period prior to March 2019. In addition, as TPP counsel requested, we will be sending a separate email more specifically identifying the areas where the TPPs productions of information in response to the PFS are incomplete. Could you please send me the email addresses for counsel for the TPPs so that we can include them on that email.

Given the progress the parties have made in discussing the scope of the TPPs' PFS and Rule 34 requests, we propose the parties report to the Court in our submissions for Wednesday that we have reached agreement as to the consumer class representative Rule 34 requests, have had productive discussions regarding the TPP PFS and Rule 34 Requests, and believe that we can reach agreement as to the TPP Rule 34 Requests over the next two weeks. Please let us know

if that is acceptable.

Also, please let us know if you are available to meet Tuesday afternoon at 2:00 eastern to continue the TPP meet and confer process.

Seth



From: David J. Stanoch <d.stanoch@kanner-law.com>

Sent: Thursday, October 22, 2020 11:01 AM

To: Goldberg, Seth A. <SAGoldberg@duanemorris.com>; Bazan, Rebecca <REBazan@duanemorris.com>; Conlee Whiteley <c.whiteley@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>

Cc: OstfeldG@gtlaw.com; 'Davis, D'Lesli M.' <dlesli.davis@nortonrosefulbright.com>; 'Richer, Kristen' <Kristen.Richer@btlaw.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Stern, Justin M. L. <JMLStern@duanemorris.com>

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Seth,

Our side can do 10am eastern tomorrow morning.

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From: Goldberg, Seth A. <SAGoldberg@duanemorris.com>

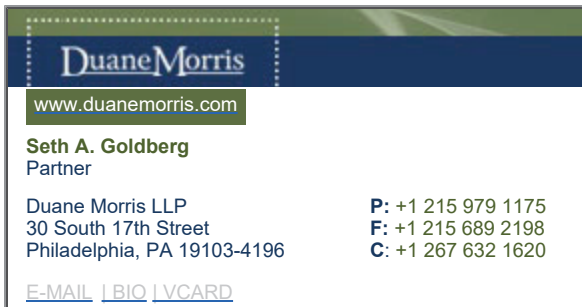
Sent: Thursday, October 22, 2020 10:00 AM

To: David J. Stanoch <d.stanoch@kanner-law.com>; Bazan, Rebecca <REBazan@duanemorris.com>; Conlee Whiteley <c.whiteley@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>

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Could you let us know if tomorrow before 11:00 eastern or at 1:00 eastern work, with a preference for the morning slot. If not, will look for Monday times.



From: David J. Stanoch <d.stanoch@kanner-law.com>

Sent: Thursday, October 22, 2020 9:21 AM

To: Goldberg, Seth A. <SAGoldberg@duanemorris.com>; Bazan, Rebecca <REBazan@duanemorris.com>; Conlee Whiteley <c.whiteley@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>

Cc: OstfeldG@gtlaw.com; 'Davis, D'Lesli M.' <dlesli.davis@nortonrosefulbright.com>; 'Richer, Kristen' <Kristen.Richer@btlaw.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Stern, Justin M. L. <JMLStern@duanemorris.com>

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Seth, et al.,

We are working towards providing times for a follow-up call tomorrow. Please let us know your side's availability. If tomorrow will not work, propose dates and times early next week. Thank you.

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From: Goldberg, Seth A. <SAGoldberg@duanemorris.com>

Sent: Wednesday, October 21, 2020 1:49 PM

To: Bazan, Rebecca <REBazan@duanemorris.com>; Conlee Whiteley <c.whiteley@kanner-law.com>; David J. Stanoch <d.stanoch@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>

Cc: OstfeldG@gtlaw.com; 'Davis, D'Lesli M.' <dlesli.davis@nortonrosefulbright.com>; 'Richer, Kristen' <Kristen.Richer@btlaw.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Stern, Justin M. L. <JMLStern@duanemorris.com>

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Counsel:

Thank you for the call yesterday. As you suggested, we are providing the following questions so that the parties can advance our discussion regarding the Rule 34 requests to be served on the TPPs. Please let us know your availability Friday for another call. Receiving your answers to these questions in advance of the call would be very helpful.

Questions for MSP

1. All of MSP's assignments are from entities who acted as Medicare Advantage Plans (MAO) covering valsartan prescriptions for members?
2. MSP owns such claims through assignment from 94 MAOs (the "94 MAOs"), all but one previously identified as reflected on Exhibit A attached hereto?
3. The final MAO will be disclosed ____?
4. Each of the 94 assignments were made from the MAO to a "designated series of MSPRC"? What is a "designated series of MSPRC"?
5. The assignments authorize the designated series of MSPRC to pursue all legal rights, and "authorize MSPRC through its operating agreement to pursue the legal rights." All such operating agreements have been produced? What is the mechanism by which the assignments to the designated series transfer to MSPRC for suit?
6. Has MSP determined for each of the 94 MAOs which type of plan the MAO provides: HMO, PPO, PFFS, SNP, MSA or others?
7. What other types of plans, if any, are offered by the 94 MAOs? If any, is MSP seeking recovery based on any of those other plans?
8. MSP bases its class rep status on its ownership of all 94 MAO assignments?
9. MSP claims it is a putative class rep for the entire proposed TPP sub-class?
10. MSP has produced substantive documents (beyond the MAO assignments) for 3 of the MAOs only and those documents reflect, for the entire Relevant Time Period, all such plans': a) plan and benefit documents; b) premiums; (c) deductibles; (d) copays; (e) out of pocket maximums; f) coinsurance and (g) reimbursement, rebate and any other amounts paid or credited to the plans by state or federal governments?
11. Does MSP claim any damages besides amounts paid as coverage of Valsartan under the MAOs?
12. Does MSP limit its damages to particular types of plans covering Valsartan (HMO, PPO, etc)?

Questions for MADA

1. MADA is the plan – it has not purchased any claims it asserts herein?
2. MADA is a self-insured, qualified ERISA plan?
3. MADA has disclosed all types of plans it provides to members through the Relevant

Time Period in the documents produced: HMO, PPO, etc?

4. MADA has produced substantive documents for the entire Relevant Time Period, including all such plans': a) type of plan and plan and plan benefit documents; b) premiums; (c) deductibles; (d) copays; (e) out of pocket maximums; f) coinsurance and (g) reimbursement, rebate and any other amounts paid or credited to the plans
5. Does MADA claim any damages besides amounts paid as coverage of Valsartan under its plans ?
6. Does MADA limit its damages to particular types of plans covering Valsartan (HMO, PPO, etc)?
7. MADA claims it is a putative class rep for the entire proposed TPP subclass?

General TPP Class Questions

1. What other types of TPPs, besides MAOs, and self-insured, qualified ERISA plans are included in the class?



From: Bazan, Rebecca <REBazan@duanemorris.com>

Sent: Friday, October 16, 2020 1:09 PM

To: Conlee Whiteley <c.whiteley@kanner-law.com>; David J. Stanoch <d.stanoch@kanner-law.com>; Adam Slater <ASlater@mazieslater.com>

Cc: Goldberg, Seth A. <SAGoldberg@duanemorris.com>; OstfeldG@gtlaw.com; 'Davis, D'Lesli M.' <dlesli.davis@nortonrosefulbright.com>; 'Richer, Kristen' <Kristen.Richer@btlaw.com>; Dorner, Drew T. <DTDorner@duanemorris.com>; Stern, Justin M. L. <JMLStern@duanemorris.com>

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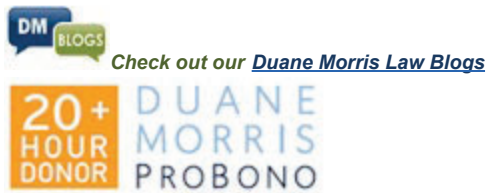
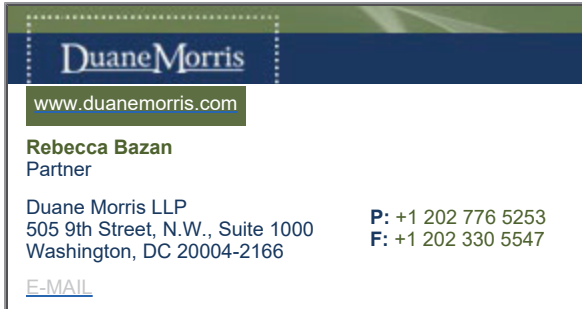
Conlee, Dave, and Adam,

The defense side is available at the following dates/times to meet and confer on the proposed document requests to the economic loss putative class reps—

- Monday, 3:00pm Eastern
- Tuesday, between 11:00am-1:00pm Eastern

Could you please make sure that everyone copied on this email is also copied on the calendar invite.

Thanks,
Rebecca



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